

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

MARY W. HILLIARD,

Plaintiff

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

Case No. 4:06cv00019

**ORDER**

By: **Jackson L. Kiser**  
Senior United States District Judge

On April 28, 2006, this Court entered an order referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. On June 22, 2006, the Commissioner filed a Motion to Remand because the tape recording of Plaintiff's hearing before the Administrative Law Judge held on July 27, 2005 is blank. The Magistrate Judge has entered a Report recommending that the Commissioner's motion be granted and Plaintiff has not objected. For these reasons, this Court adopts Magistrate Judge Crigler's Report in its entirety. Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

1. The Report and Recommendation of the United States Magistrate Judge, filed July 24, 2006 shall be, and hereby is, **ADOPTED** in its entirety.

2. For the reasons stated in Magistrate Judge Crigler's Report, Plaintiff's case is **REMANDED** for a *de novo* hearing before an Administrative Law Judge consistent with Magistrate Judge Crigler's Report.

3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED this 14th day of August, 2006.

s/Jackson L. Kiser

Senior United States District Judge